

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 716 and 717 of	)	CG Docket 10-213
The Communications Act of 1934, as Enacted	)	
by the Twenty-First Century Communications	)	
and Video Accessibility Act of 2010	)	

**COMMENTS ON PUBLIC NOTICE**

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Deaf and Hard of Hearing Consumer Advocacy Network  
Association of Late-Deafened Adults, Inc.  
Hearing Loss Association of America  
Cerebral Palsy and Deaf Organization  
Deaf Seniors of America  
National Association of State Agencies of the Deaf and Hard of Hearing, Inc.  
Deaf/Hard of Hearing Technology-RERC  
Universal Interface & Information Technology Access-RERC  
National Association of State Relay Administration  
Telecommunications Equipment Distribution Program Association**

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Telecommunications Equipment Distribution Program Association**

Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, Association of Late-Deafened Adults, Inc., Hearing Loss Association of America, Cerebral Palsy and Deaf Organization, Deaf Seniors of America, and National Association of State Agencies of the Deaf and Hard of Hearing, Inc. (collectively “Consumer Groups”), the Deaf/Hard of Hearing Technology RERC and Universal Interface & Information Technology Access RERC (together, the “RERCs”), and National Association of State Relay Administration (“NASRA”) and Telecommunications Equipment Distribution Program Association (“TEDPA”) (the Consumer Groups, RERCs, NASRA and TEDPA collectively, the “Commenters”) submit these comments in response to the

Federal Communication Commission’s (“Commission”) Public Notice released on April 5, 2018,<sup>1</sup> seeking comments to inform the preparation of the 2018 biennial report to Congress required by the Twenty-First Century Communications and Accessibility Act of 2010 (“CVAA”).

The Consumer Groups and the RERCs are grateful for this opportunity to once again provide input on this important matter. We have reviewed our Comments filed on June 13, 2016<sup>2</sup> (the “*2016 Comments*”), have attached hereto a copy of the *2016 Comments* and provided updates and additional information as appropriate.

## **I. ACCESSIBILITY UNDER SECTION 255**

### **A. Real-Time Text (“RTT”)**

The Commenters applaud the progress that the Commission, through the Disability Advisory Committee (“DAC”) and its Technology Transitions Subcommittee, has made with respect to RTT and its potential as an alternative to current-generation TTY technology. Since the *2016 CVAA Biennial Report*,<sup>3</sup> there has been significant progress on RTT deployment although certain challenges continue, such as interoperability and consistency across platforms. As we have stated previously, however, “the transition period from TTY to RTT services must be sufficiently gradual so as to allow consumers as well as governmental entities and businesses to substitute RTT technology for TTYs.”<sup>4</sup> RTT services should allow deaf, hard of hearing, and

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<sup>1</sup> Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications Video Accessibility Act of 2010, CG Docket No. 10-213, *Public Notice*, DA 18-340 (rel. Apr. 5, 2018).

<sup>2</sup> Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications Video Accessibility Act of 2010, CG Docket No. 10-213, Comments of Consumer Groups and Telecom-RERC on Public Notice (June 13, 2016) (“*2016 Comments*”) (provided as Attachment 1).

<sup>3</sup> Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, Biennial Report to Congress as Required by the Twenty-First Century Communications and Video Accessibility Act of 2010, 31 FCC Rcd 11065 (2016) (“*2016 CVAA Biennial Report*”).

<sup>4</sup> *2016 Comments* at 2.

speech impaired persons to make direct calls to hearing users who use mainstream technologies without the hearing users having to take extra steps to enable RTT. The Commission's Report should identify the recommendations of DAC with respect to RTT and the action taken, and progress made, to meet those recommendations including the technical and practical challenges of supporting compatibility of RTT with refreshable Braille display and ways to introduce and support the integration of RTT into TRS operations.

## **B. Hearing Aid Compatible Phones**

The Commenters commend the Commission for updating the Hearing Aid Compatibility ("HAC") rules by its Report and Order and Order on Reconsideration released on October 26, 2017,<sup>5</sup> and recommend that the report include such updates. Importantly, the *2017 HAC R&O* revised volume control standards for wireline handsets to provide a more accurate measurement of voice amplification<sup>6</sup> and requires that, within the next three years, all wireless handsets newly certified as hearing aid compatible must include volume control suitable for consumers with hearing loss.<sup>7</sup> Further, the *2017 HAC R&O* extended the HAC requirements to wireline telephones used with advanced communications services, including phones used with VoIP services, with compliance required within two years.<sup>8</sup> These are significant steps that the Commenters applaud and should be reflected in the report to Congress.

In addition, the Commission in 2016 adopted an Order revising its HAC rules to create improvements to benchmarks to be met by wireless handset manufacturers and service providers

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<sup>5</sup> *In re Access to Telecommunication Equipment and Services by Persons with Disabilities*, CG Docket No. 13-46, *Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 07-250, *Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations*, Report and Order and Order on Reconsideration, 32 FCC Rcd 9063, FCC 17-135 (2017) (the "*2017 HAC R&O*").

<sup>6</sup> *Id.* at 9066-9070, ¶¶ 7-15.

<sup>7</sup> *Id.* at 9072-9083, ¶¶ 21-41.

<sup>8</sup> *Id.* at 907-9072, ¶¶ 16-20.

to ensure greater access to wireless communication services for Americans with hearing loss.<sup>9</sup> The *2016 HAC Order* directed industry stakeholders and advocates for consumers with hearing loss to develop a task force for determining whether a 100 percent HAC deployment benchmark is achievable considering both technical and market conditions. Such task force would include “representatives of consumers who use hearing aid devices, research and technical advisors, wireless industry policy and technical representatives, and hearing aid manufacturers” and would consider, among other things, whether 100 percent compatibility is achievable; whether deployment benchmarks could rely in part or in whole on alternative hearing aid compatibility technologies;<sup>10</sup> the definition of HAC for purposes of compliance with the Commission’s rules; whether 100 percent compliance could be satisfied through innovative approaches; and how to ensure the rules effectively aid consumers and reflect the unique needs of both nationwide and non-nationwide wireless service providers.<sup>11</sup> The Commission further recommended, consistent with the Consensus Letters, that the task force convene over the course of a six-year period before making a recommendation for Commission consideration and ultimate determination on the 100 percent goal.<sup>12</sup> On January 11, 2018, an ad hoc group of industry representatives and consumer groups submitted an ex parte letter, provided as Attachment 2, describing meetings of the ad hoc group that considered issues related to the stakeholder process and steps to be taking

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<sup>9</sup> See *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Report and Order, 31 FCC Rcd 9336 (2016) (“*2016 HAC Order*”).

<sup>10</sup> *Id.* ¶ 42.

<sup>11</sup> *Id.* ¶¶ 17-19, 42-50; see also Letter from James Reid, Telecommunications Industry Association; Scott Bergmann, CTIA; Rebecca Murphy Thompson, Competitive Carriers Association; Anna Gilmore Hall, Hearing Loss Association of America; Claude Stout, Telecommunications for the Deaf and Hard of Hearing; and Howard A. Rosenblum, National Association of the Deaf, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 07-250, 10-254 (filed Nov. 12, 2015); Letter from James Reid, Telecommunications Industry Association; Scott Bergmann, CTIA; Rebecca Murphy Thompson, Competitive Carriers Association; Barbara Kelley, Hearing Loss Association of America; Claude Stout, Telecommunications for the Deaf and Hard of Hearing; and Howard A. Rosenblum, National Association of the Deaf, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 15-285, 07-250 (filed Apr. 21, 2016) (collectively, the “Consensus Letters”).

<sup>12</sup> *Id.*

in the coming year.<sup>13</sup> The *HAC Ex Parte* Letter explains that its signatories believe “that HAC for all wireless handsets is our collective goal that the Commission should balance this goal with the ability to encourage innovations that can benefit all consumers.”<sup>14</sup> The Commenters look forward to continued industry-consumer group cooperation and participation to effectuate their “shared commitment to providing accessible wireless products and services to all Americans, including people who use hearing aid devices.”<sup>15</sup>

As described in our *2016 CVAA Comments*, however, many deaf and hard of hearing people continue to struggle to find phones, both non-mobile and wireless, to meet their accessibility needs.<sup>16</sup> Not all wireless phones are HAC, particularly for individuals who rely on telecoil coupling capability. Proprietary direct connect solutions are limited and expensive options that often only work with specific brands of hearing aids and therefore cannot meet everyone’s needs. We also find that HAC phones often work better with some hearing aids than others. For the reasons stated in the *2016 Comments*, simply finding a HAC phone that works with a person’s hearing aid remains challenging.<sup>17</sup>

### **C. High Definition Voice**

The Commenters also support the need for high definition (HD) voice-enabled phones and better noise-cancelling technology to reduce background noise in calls. Clearer, more natural sounding calls will improve the communication abilities of all consumers and may help make it possible for hard of hearing people to make calls even without assistive technology. While HD voice-enabled phones have become more available, interoperability across carriers has not

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<sup>13</sup> *Improvements to Benchmarks and Related Requirements Governing Hearing Aid-Compatible Mobile Handsets*, WT Docket No. 15-285, Joint Consensus Proposal – Year One Discretionary Update, Ex Parte Presentation of the Competitive Carriers Association, Hearing Loss Association of America, CTIA, Telecommunications for the Deaf and Hard of Hearing, Inc., Telecommunications Industry Association and the National Association of the Deaf (Jan. 11, 2018) (“*HAC Ex Parte Letter*”)

<sup>14</sup> *Id.* at 3.

<sup>15</sup> *Id.*

<sup>16</sup> *2016 Comments* at 2-3.

<sup>17</sup> *2016 Comments* at 3.



improved. Likewise, there is no HD voice interoperability with relay services (IP Relay, VRS, IP-CTS) in sight. Until these two problems are resolved, the benefits of HD voice will remain very limited.

#### **D. Implementation of Text-to-911**

Based on the Commission's most recent list,<sup>18</sup> only 939 PSAPs have implemented Text-to-911, which is less than 11 percent of all PSAPs.<sup>19</sup> We understand that this is an increase of 339 PSAPs over those that were Text-to-911 capable at the time of our *2016 Comments*. Since Text-to-911 is a critical accessibility method for deaf and hard of hearing persons to reach emergency services, the status of its availability should be included in the Report. Further, the Report should discuss whether wireless carriers and other providers of interconnected text messaging applications are complying with requirements to deploy the service within six months to PSAPs that request them and how quickly they are doing so. To the extent such data is not currently available, the Commission should collect it.

## **II. ACCESSIBILITY UNDER SECTIONS 716 AND 718**

The Commenters continue to find the vast majority of certain kinds of advanced communication services ("ACS") not to be fully accessible to deaf, hard of hearing, and speech impaired persons and deaf-blind people and deaf people with other disabilities. While not usually totally inaccessible, many ACS have only limited accessibility. In our *2016 Comments*, *2014 CVAA Comments* and comments filed in 2012 regarding the First Biennial Report,<sup>20</sup> we highlighted many of these accessibility issues. We have seen limited to no improvement over the last two years.

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<sup>18</sup> See [https://transition.fcc.gov/pshs/911/Text911PSAP/Text\\_911\\_Master\\_PSAP\\_Registry.xlsx](https://transition.fcc.gov/pshs/911/Text911PSAP/Text_911_Master_PSAP_Registry.xlsx).

<sup>19</sup> Based on the number of PSAPs listed in the Commission's 911 Master PSAP Registry, we understand there are approximately 8565 PSAPs. See <https://www.fcc.gov/general/9-1-1-master-psap-registry>.

<sup>20</sup> *Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications Video Accessibility Act of 2010*, CG Docket No. 10-213, PN Comments - CVAA Report Tentative Findings (Sept. 6, 2012) ("*2012 Comments*").

As we stated in our *2012 Comments and 2016 Comments*, “individual companies can engage in a number of activities to make their products and services accessible to people who are deaf or hard of hearing.”<sup>21</sup> These include, but are not limited to the following: participating in advisory board meetings and focus groups; conducting needs assessments; documenting input from customers at sales centers; beta testing; and research and development.<sup>22</sup> “In fact, very few companies involve deaf and hard of hearing population in these activities in a meaningful and gainful way.”<sup>23</sup> The Commenters encourage the Commission to recognize that greater involvement of the deaf and hard of hearing community would provide valuable guidance to companies in developing products that meet the accessibility compliance requirements of the CVAA.

#### **A. Podcasts**

Podcasts are episodic series of digital audio or video files with an almost unlimited array of topics. Many popular topics include educational, news, politics, medical, finance, entertainment, sports and music. Podcasts provide a wealth of knowledge to hearing persons. Unfortunately, audio podcasts generally are not accessible by deaf and hard of hearing people, while video podcasts only sometimes have captioning that permits accessibility by deaf and hard of hearing people that are not also blind. Except with respect to captioning of certain video podcasts subject to 47 C.F.R. § 79.4,<sup>24</sup> the Commission has not addressed accessibility of podcasts. The Commission should investigate how to make podcasts more accessible to deaf and hard of hearing people. To increase accessibility, the Commission should require that each podcast on the Internet (1) have a phone number to provide accessibility for deaf and hearing of

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<sup>21</sup> *2016 Comments* at 5 (quoting the *2012 Comments* at 7).

<sup>22</sup> *Id.* (citing the *2012 Comments* at 7).

<sup>23</sup> *Id.* (quoting the *2012 Comments* at 7).

<sup>24</sup> Certain podcasts may be subject to the requirement of Section 79.4 to provide closed captioning of certain full-length video programming and video clips. See 47 C.F.R. § 79.4(b) for information on the specific types of full-length video programming and video clips that must be provided with closed captioning.

hearing people to “listen in” via VRS and (2) be captioned for those that do not want to access podcasts using VRS or who are not ASL users. Such small steps can help improve accessibility of this important form of media.

## **B. Closed Captioning of Videos on the Internet**

The Consumer Groups continue to be concerned with the lack of closed captioning of videos on the Internet. While there has been progress with respect to video programming delivered over Internet protocol that must be captioned pursuant to 47 C.F.R. § 79.4,<sup>25</sup> the proliferation of other types of videos that are not captioned is becoming more problematic and disadvantageous to deaf and hard of hearing people who are not able to enjoy and benefit from such uncaptioned videos. In this respect, the accessibility to Internet video content may be decreasing. In addition, deaf and hard of hearing consumers are increasingly frustrated by not knowing, before starting the video, whether a particular Internet video is captioned. When the video is preceded by an advertisement, that frustration is magnified. The Consumer Groups suggest that all Internet videos, including those on YouTube and similar websites or applications, be required to have a clear designation on their link or website indicating whether the specific video is captioned (e.g., either cc or slashed cc symbol). Having this requirement would enhance the general public’s awareness of and the need for captioning.

Quality control of captioning, particularly live and near-live captioning, of Internet video needs to be evaluated. The results of such evaluation should be shared publicly.

## **C. Accessibility of Automobile Interfaces**

Electronic interfaces and video playback and navigation capabilities are increasingly become an integral, if not critical, feature in today’s automobiles. However, the accessibility of

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<sup>25</sup> Section 79.4 requires certain full-length video programming and video clips to be provided with closed captions. See 47 C.F.R. § 79.4(b) for information on the specific types of full-length video programming and video clips that must be provided with closed captioning.

these interfaces and video playback and navigation devices continues to be inconsistent between manufacturers of automobiles and their suppliers. The Commission continues to grant automobile companies waivers of the compliance deadlines for larger MVPDs.<sup>26</sup> While there may be extenuating circumstances justifying additional waivers in the future, as have been granted for larger MVPDs, the Consumer Groups continue to believe that the December 20, 2018 compliance deadline for mid-sized and smaller MVPDs should not be extended.<sup>27</sup> Further, the Commission must continue to scrutinize closely any future waiver requests to ensure that deaf and hard of hearing individuals have access to video programming without undue delay.<sup>28</sup> Therefore, any future waivers must be limited in scope and duration to encourage manufactures to meet the requirements of the CVAA and the Commission's rules.

#### **D. Video Conferencing Services**

Video conferencing services have become an invaluable tool for consumers and businesses to communicate with friends, family, colleagues and customers in a virtually in-person manner. While many deaf and hard of hearing people also enjoy video conferencing services, these services, as explained in the attached *2016 Comments*, are not completely accessible and usable by deaf and hard of hearing people. The following issues identified and explained in our *2016 Comments* (and those filed in 2014) still exist today:

1. Relay services are not accessible through video conferencing services because they are tethered to ten-digit telephone numbers;

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<sup>26</sup> See e.g., *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Memorandum Opinion and Order, 32 FCC Rcd 7275 (rel. Sept. 25, 2017) (granting Fiat Chrysler Automobiles US LLC a waiver of Section 79.107(a)(10)-(2) and 79.107(b) of the Commission's rules); *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Memorandum Opinion and Order, DA 18-436 (Re. Apr. 30, 2018) (granting Honda Motor Co., Ltd. A waiver of Sections 79.107 and 79.109 of the Commission's rules).

<sup>27</sup> *In re Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Comments of Consumer Groups (Oct. 30, 2017).

<sup>28</sup> *Accessibility of User Interfaces, and Video Programming Guides and Menus*, MB Docket No. 12-108, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 17330, 17402 (2013)

2. Video conferencing services, including off-the-shelf services, need to be interoperable with videophones provided by Video Relay Service (VRS) providers.
3. Video conferencing services need to be interoperable with each other.
4. Video conferencing services need to allow users to prioritize specific functions so that they best support the communications needs of the deaf and hard of hearing user.<sup>29</sup>

#### **E. Games and Gaming Systems**

Commenters acknowledge the significant efforts that the Entertainment Software Association (“ESA”) and its members have taken over the past several years to improve the accessibility of gaming equipment and software. We continue to appreciate the efforts of ESA and its members to dialogue and work with the deaf and hard of hearing and blind and visually impaired communities and gather feedback on their products and services from gamers who are deaf, hard of hearing, blind, visually impaired, or DeafBlind, including the additional steps taken throughout 2017 detailed in ESA’s mid-year progress report.<sup>30</sup> As the Consumer Groups and RERCs stated in their *2012 Comments*,<sup>31</sup> *2014 Comments*,<sup>32</sup> *2016 Comments*<sup>33</sup> and in other proceedings,<sup>34</sup> many deaf and hard of hearing people have been unable to access or fully participate in games that use ACS components for communication between participants. Through our work with ESA, however, there has been progress on this front. For example, “video game manufacturers that utilize Microsoft’s software development kit for Xbox One and Windows 10 devices now have access to realtime speech-to-text and text-to-speech transcription capabilities, which allow players to read a text transcript of other players’ spoken words and hear machine-

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<sup>29</sup> *2014 Comments* at 4-6.

<sup>30</sup> ESA 2017 Mid-Year Progress Report, <https://www.fcc.gov/ecfs/filing/10630092346778>.

<sup>31</sup> *2012 Comments* at 6.

<sup>32</sup> *2014 Comments* at 6.

<sup>33</sup> *2016 Comments* at 6-7.

<sup>34</sup> *Implementation of Section 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications Video Accessibility Act of 2010*, CG Docket No. 10-213, Consumer Groups Opposition to Petition for Waiver by Entertainment Software Association (June 14, 2012).

generated audio of text typed by other players.”<sup>35</sup> Other companies, including Nintendo, Sony, Activision, Warner Brothers, Capcom, Blizzard Entertainment and Mojang, also have implemented, or are working towards including, accessibility features,<sup>36</sup> but much remains to be done to achieve full accessibility. Relay services should be included in these games to allow deaf and hard of hearing gamers to be included in this form of social interaction. The Consumer Groups appreciate the gaming industry’s continued outreach to certain of the Consumer Groups and others representing persons with disabilities<sup>37</sup> and look forward to continued outreach.

In addition, virtual reality and other augmented reality products and services are more frequently part of, and integrated in, certain products and services, which makes such products and services inaccessible for the deaf and hard of hearing. More work needs to be done to make such products accessible.

#### **F. Accessible Alerting Settings**

Because there has not been much progress on this issue, the Commenters reiterate our prior concerns. As we discussed in our *2016 Comments* and *2014 Comments*, the continued lack of accessible alerting features for ACS results in missed calls and other messages.<sup>38</sup> For instance, video conferencing services, particularly on smartphones, often do not include accessible alert functions such as vibration and/or flashing lights. Although Internet of Things devices and

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<sup>35</sup> See *In re Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010, Entertainment Software Association Petition for Class Waiver of Sections 716 and 717 of the Communications Act and Part 14 of the Commission’s Rules Requiring Access to Advanced Communications Services and Equipment by People with Disabilities*, Order at ¶ 10, DA 17-1243 (rel. Dec. 26, 2017) (citing among others *Petition of the Entertainment Software Association for Extension of Waiver at 12* (Oct. 27, 2017) (*ESA 2017 Petition*)).

<sup>36</sup> *Id.* (citations omitted).

<sup>37</sup> *Id.* (citing *ESA 2017 Petition* at 18-24) (reporting on accessibility events hosted by the International Game Developers Association, accessibility-related challenges for developers, outreach at the 2017 Electronic Entertainment Expo, attendance at accessibility conferences, accessible online gaming events, and other accessibility meetings and online forums to gather feedback from the disability community).

<sup>38</sup> *2016 Comments* at 7; *2014 Comments* at 6.

capabilities, such as smart lights and other types of smart appliances, hold some promise for alleviating alerting deficiencies, they are in very early stages of development, and the lack of technical standards makes it virtually certain that at present every ACS would need to be customer-tailored to provide accessibility alerting. These deficiencies should be included in the Report.

**D. Wireless Data Caps and Metering Negatively Affect Accessibility**

While many more wireless service plans include unlimited data, such plans are often significantly more expensive or contain provisions that allow the wireless provider to “throttle” or meter heavy data users. More affordable wireless service plans continue to include much lower data caps that are insufficient for the routine communications needs of a deaf and hard of hearing user. Therefore, deaf and hard of hearing users are forced to choose between more expensive plans with unlimited data, which may be unaffordable, or less expensive, affordable plans with data caps that are insufficient to meet their communications needs. This choice is made more difficult because such users rely on data and video services that require more expensive smartphones. Hearing users can avoid using data services for basic communications by using their voice minutes, which generally are unlimited. As compared to hearing users, deaf and hard of hearing users disproportionately use data for daily and routine communications out of necessity. “These users often pay overage fees because they must exceed the monthly data allowance of their plans simply to meet their communications needs -- needs which do not require similar data usage by other users.”<sup>39</sup> Or, they have no choice but to purchase a more expensive plan including unlimited data even when the data used for non-routine communications is minimal. Therefore, the Commenters request that the Commission

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<sup>39</sup> 2014 Comments at 7-8 (quoting 2012 Comments at 8).

incorporate in its Report concerns regarding the cost of plans with unlimited data, data caps and metering plans.

### **III. EFFECTS OF ACCESSIBILITY RECORDKEEPING AND ENFORCEMENT REQUIREMENTS**

Because the concerns and recommendations on these issues remain unchanged, we are reiterating our prior comments. The Consumer Groups and the RERCs continue to share the Commission's position stated in its First Report that "its assessment of accessibility barriers with respect to 'new communications technologies' should not be limited to those 'telecommunications' and 'advanced communications services' technologies under Sections 255, 716, and 718."<sup>40</sup> This broad interpretation of "new communications technologies" does not mean a relaxed approach to the recordkeeping requirements of the CVAA is warranted. Rather, the Commission should continue to apply Section 717's recordkeeping and enforcement requirements to new communications technologies.<sup>41</sup>

The Consumer Groups and the RERCs reiterate their suggestion that "the Commission require industry participants to produce periodic activity reports that specifically account for research and development activities that directly involve the deaf and hard of hearing community."<sup>42</sup> These reports would serve multiple purposes: (1) providing the Commission data to conduct a more thorough analysis of progress toward compliance with the CVAA, (2) providing the Commission and the deaf and hard of hearing community a better understanding of the amount and quality of input each company received from deaf and hard of hearing participants and to what degree that input was utilized in the development of accessible

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<sup>40</sup> 2012 Comments at 10 (citing *Consumer and Governmental Affairs Bureau Seeks Comment on its Tentative Findings About the Accessibility of Communications Technologies for the First Biennial Report Under the Twenty-First Century Communications and Video Accessibility Act*, CG Docket No. 10-213, Public Notice at Attachment ¶ 27, DA 12-1391, 27 FCC Rcd 10172, released Aug. 23, 2012 (the "CVAA 1st Report Assessment PN"), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-12-1391A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1391A1.pdf)).

<sup>41</sup> See 2016 Comments at 8.

<sup>42</sup> 2016 Comments at 8 (quoting 2012 Comments at 11).



equipment and services, and (3) holding the industry members more accountable in developing accessible products.<sup>43</sup>

The Consumer Groups and the RERCs also reiterate their position that “industry members [who] have requested waivers because accessibility is not achievable should be required to report on the number of non-accessible and accessible units sold.”<sup>44</sup> And, that information should be used in the Commission’s biennial Report to Congress to provide Congress with a more accurate picture of the level of collaboration between industry and consumers in the design, development and marketing stages of the products and services involved.

#### IV. CONCLUSION

The Commenters appreciate the opportunity to submit comments with respect to this important Report. While we appreciate all of the Commission’s hard work and support in the last two years in various areas of interest to our constituents, accessibility of ACS for deaf, hard of hearing, and speech impaired persons and deaf-blind people and deaf people with other disabilities continues to lag as those services become more and more integrated into our daily lives. We look forward to continuing our work with the Commission to assure accessibility requirements are met under the CVAA and other laws.

Respectfully submitted,

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<sup>43</sup> 2016 Comments at 8.

<sup>44</sup> 2016 Comments at 8 (quoting 2012 Comments at 11).

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